



2025:AHC:178792-DB

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10568 of 2025

Neeraj Kumar

.....Petitioner(s)

Versus

The Union Of India And 5 Others

.....Respondent(s)

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|                           |                                                              |
|---------------------------|--------------------------------------------------------------|
| Counsel for Petitioner(s) | : Atul Kumar Singh                                           |
| Counsel for Respondent(s) | : A.S.G.I., Fahd Iqbal, Sanjay Dwivedi,<br>Satish Chaturvedi |

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### Court No. - 1

**HON'BLE NEERAJ TIWARI, J.**  
**HON'BLE VIVEK KUMAR SINGH, J.**

1. List revised. None appears on behalf of the petitioner. Heard Sri Sanjay Dwivedi, learned counsel appearing for the respondent nos. 1, 3 and 4 and Sri Fahd Iqbal and Sri Panjak Srivastava, learned counsel appearing for the respondent no. 6.

2. The petitioner by means of the present writ petition has prayed for the following relief:-

" 1. Issue a writ, order or direction in the nature of Mandamus and to direct the respondent no.5 to unfreeze the Account No.775120110000423, in the name of Shri Gadesh Dhananjay, Telecome, through its Proprietor Neeraj Kumar, i.e. Neeraj and Account No. 775110110004339, in the name of Neeraj Kumar, i.e. Petitioner and this Hon'ble Court may also be pleased to direct the respondent no. 6 to unfreeze the Account No. 32948018130 in the name of Petitioner.

2. Issue any other writ order and direction in the nature of mandamus as this Hon'ble court deem fit and proper under circumstance of the case."

3. The co-ordinate Bench of this Court in identical circumstances has dismissed the writ petition being **Criminal Misc. Writ Petition No.7850 of 2023 (M/s. Brijwasi Saraf Thru. its Prop. Namely Sanjeev Kumar Agarwal Vs. Union of India Thru. Secy. Ministry Home Affairs Deptt. Cabinet Secr. New Delhi and Others) vide order dated 31.01.2024**. Paragraph nos.14 to 16 of the said judgement are reproduced herein-below:-

" 14. We find that for freezing the account invoking provision as contained under Section 102 Cr.P.C. cannot, by any stretch of imagination, be held to be deprivation of right of property available to the petitioner. Such argument of learned counsel for the

*petitioner appears to be misconceived.*

*15. It is apposite to refer Section 451 of Cr.P.C. which enables the trial Court to grant interim custody pending trial. Similarly, Section 457 also vests power in the Magistrate to deal with the seized property as deemed proper and necessary. An accused whose property is seized by police officer can file application for grant of interim custody. This is an effective and efficacious remedy. Section 457 of Cr.P.C. for ready reference is reproduced here-in-under:-*

*457. Procedure by police upon seizure of property.*

*(1) Whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Code, and such property is not produced before a Criminal Court during an inquiry or trial, the Magistrate may make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained, respecting the custody and production of such property.*

*(2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit and if such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation.*

*(Emphasis supplied by us)*

*16. Thus, on the basis of what has been discussed above, the petitioner ought to have approached the jurisdictional Magistrate seeking appropriate remedy in respect of the property seized and therefore, when an alternative remedy is available, in our considered opinion the present writ petition is not maintainable."*

4. Accordingly, the present writ petition is **dismissed** in terms of the judgement and order dated 31.01.2024 passed in Criminal Misc. Writ Petition No.7850 of 2023.

**October 8, 2025**  
Monika

**(Vivek Kumar Singh,J.) (Neeraj Tiwari,J.)**